IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4203 of 2007()

CRIME NO.144/07 OF VELLATHOOVAL POLICE STATION

PETITIONERS:

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1. BIJU, S/O. PRABHAKARAN,
   AGED 34 YEARS, RESIDING AT NEDUMGOTH HOUSE,
   MANAKKADU P.O., THODUPUZHA, IDUKKI DISTRICT.

2. N.K. PRABHAKARAN, AGED 65 YEARS,
   RESIDING AT NEDUMGOTH HOUSE, MANAKKADU P.O.,
   THODUPUZHA, IDUKKI DISTRICT.

3. N.M.PUSHPAMMA, AGED 60 YEARS,
   W/O. PRABHAKARAN, RESIDING AT NEDUMGOTH HOUSE,
   MANAKKADU P.O., THODUPUZHA, IDUKKI DISTRICT.

4. SHIBU, AGED 31 YEARS,
   S/O. PRABHAKARAN, RESIDING AT NEDUMGOTH HOUSE,
   MANAKKADU P.O., THODUPUZHA, IDUKKI DISTRICT.

5. M.P. AJAYAKUMAR, AGED 41 YEARS,
   SAYOOJYAM HOUSE, KOOVAPPADY, PERUMBAVOOR.

BY ADV. SRI.P.FAZIL
SMT.JAYASREE MANOJ
SRI.SREEJITH V.S.

RESPONDENTS:

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1. CIRCLE INSPECTOR OF POLICE,
   ADIMALY POLICE STATION, IDUKKI DISTRICT,
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
   VELLATHOOVAL POLICE STATION, IDUKKI DISTRICT,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA.

3. DEEPA V.M., D/O. NARAYANAN,
AGED 30 YEARS, RESIDING AT VALOOR HOUSE,
KOLANI P.O., THODUPUZHA.

BY ADV. SRI.MANU ROY
PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4203 OF 2007

Dated this the 11th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband and the relatives of the husband of the de facto complainant/the 3rd respondent herein. A crime has been registered, inter alia, under Sec.498A of the IPC alleging the commission of the offence punishable under Sec.498A of the IPC. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage took place in April, 2004. There is strain in the matrimony. Parties are before the matrimonial court already. According to the petitioners, false and exaggerated allegations have been raised merely because of the strain in the marital tie. It is prayed that directions under Sec.438 of the Cr.P.C. may be issued in favour of the petitioners.

3. The learned Public Prosecutor does not oppose the application. He submits that the 5th petitioner has not been arrayed as an accused and he is not required to be arrested. The petition in so far as it relates to the 5th petitioner can be dismissed holding that the said petitioner is not required to be arrested in this crime. In so far as petitioners 1 to 4 are concerned, in the absence of opposition from the learned Public Prosecutor, I am satisfied that appropriate directions can be issued under Sec.438 of the Cr.P.C. in their favour.

4. In the result, this petition is allowed in part. The 5th petitioner is not required to be arrested and accepting the submissions of the learned Public Prosecutor, the petition in so far as it relates to the 5th petitioner is dismissed.

5. Following directions are issued under Sec.438 of the Cr.P.C. in favour of petitioners 1 to 4:

(i) Petitioners 1 to 4 shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 18/7/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) Petitioners 1 to 4 shall make themselves available for interrogation before the Investigating Officer between 10 a.m.

and 3 p.m. on 19/7/07 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of two months. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If petitioners 1 to 4 do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest petitioners 1 to 4 and deal with them in accordance with law as if those directions were not issued at all;

(iv) If petitioners 1 to 4 were arrested prior to their surrender on 18/7/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 18/7/07.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge